

BUTTE-SILVER BOW LOCAL GOVERNMENT STUDY COMMISSION

Minutes of the Meeting

May 12, 2005

Butte-Silver Bow Courthouse, First Floor Conference Room

Meeting Date: May 12, 2005

Time: 5:30 p.m.

Place: Butte-Silver Bow County Courthouse, First Floor Conference Room

Call to Order: Chairman Bob Worley brought the meeting to order at 5:30 p.m. and called roll with the following results:

Members Present: Tony Bonney, Ristene Hall, Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley, Shag Miller and Ron Rowling.

Excused absence: Wayne Harper excused.

Approval of Minutes: Bob Worley discussed corrections for the Minutes from May 5th. Bob Worley entertained a motion for approval of the minutes: Meg moved that the minutes from the May 5, 2005 meeting be approved; Cindi Shaw seconded the motion, and the motion carried unanimously.

Comments from Ron Rowling: He thanked the guest speakers and public for attending the meeting.

Comments from Citizens: None

Items not addressed on Agenda: None

Guest Speakers: Chairman Bob Worley introduced Dave Hinch and Grant Hackman with animal control. Bob Worley made a comment to Dave Hinch and Grant Hackman that their job attracts a lot of attention around town. Bob stated that is the Study Commission's job to improve the flow of information and conditions of their job to make it easier for them to perform their essential duties.

Dave Hinch started by discussing the hours of operation, which is 24 hours a day, 7 days a week. Dave and Grant work Monday through Saturday and are on-call every other week. Dave Hinch stated that they handle all domestic, livestock and wildlife animal issues/complaints and injuries. Dave Hinch mentioned how they need to be the first to respond to handling wildlife or livestock animals on city streets.

Chairman Bob Worley asked what solution there is for the dog and cat problem in Butte-Silver Bow. Dave Hinch responded that he would like to see people convicted of a cruelty crime against animals be served with a felony charge. Dave Hinch commented that people can be fined endlessly and will ignore paying their fines knowing that they won't go to jail because their too full. Dave Hinch stated what happens is these people will then turn the animal loose and animal control will pick them up. Animal control will notify and fine the owner. This individual does not come get the animal and it will then be adopted or put to sleep. Dave Hinch further stated that there are cases where negligent owners are lightly sentenced for an animal crime and will then turn around and get another dog or cat.

Bob Worley asked if these people are getting these cats and dogs through the classifieds. Dave Hinch replied that they do or may end up buying them. Bob Worley stated that the Humane Society should be able to help prevent this from happening by not allowing these people to have additional animals. Dave Hinch replied, they could if they knew who there are. These people may send a friend or relative in their place or go out of town to get an animal. Dave Hinch stated that you cannot keep track of them all the time and cannot stop them from getting animals.

Bob Worley asked Dave Hinch what he thought of the neutering clinics. Dave responded that spading and neutering helps with controlling the population but it does not stop animals from running or biting.

Cindi Shaw asked Dave Hinch if he was understaffed and if he needed more animal control staff. Dave Hinch stated that he and Grant cover the city very well and are able to handle any situation there is. Dave Hinch stated that he did not think adding more animal control would help since the animal shelters are already full due to the no kill policy.

Grant replied there was a time when six people were on the job and he could remember that animals were put to sleep once a week, averaging five dogs a day and it seemed to help the problem. However, it was not a solution and killing all those dogs is not an answer. Cindi Shaw asked if the problem was that there was not enough facility? Grant agreed and stated that Anaconda's facility is full and is going to remain full with the way things are. Grant heard that some of the animals are being placed in adopted homes but that this was just defeating the purpose. How is it known if these people are giving proper care to the animals?

Cindi Shaw asked if there was stricter enforcement would it make people more accountable? Dave Hinch replied that the charge should be a felony for loose animals and it should be made public in the front page of the newspaper. Cindi Shaw asked if people don't pay their fines, does it just goes away? Dave Hinch responded the problem is finding the people to serve warrants to and if those people do get served many of them do not show up for court to pay their fine. Dave Hinch stated the real problem is an owner problem not an animal problem.

Ristene Hall asked Bob McCarthy if we could get that aggressive. Bob McCarthy replied that violations of animal control laws are misdemeanors and cannot be made felonies. The Montana Legislature solely has authority to make those crimes felonies.

Meg Sharp commented that many people believe the Animal control staff is off after 5 p.m. and then turn their dogs loose. Grant replied that Animal Control needs help from the public when they are not on shift. Anyone in the public has a right to sign a citation as a witness to an animal crime. If the owner chooses to fight this, they will both show in court. Grant stated that this could be published in the paper to inform the public on ways they can help fight this problem.

Dave Palmer asked about the guy who did not show up for court, and a citation was issued to him. Dave Palmer asked if it was because he had not been informed of the court date on when he was to appear or that he opted not to appear. Dave Hinch replied that after the claim was signed, they went to his house several times and he would not answer his door. They left a notice and tried contacting him at his home and business. He was then sent a citation by certified mail, which he had picked up and signed for. The copies are brought to the judge and he has 7 days to appear in court, after he receives it. The date is on the ticket informing him of when he needs to appear in court. Dave Hinch asked Bob McCarthy if the penalty for failure to appear is the same for other tickets issued and would there be a warrant for arrest. Bob McCarthy replied if a person does not appear they are mailed a summons. If they don't respond by the date they are supposed to appear, then the court converts it to a warrant for contempt of court. Dave Palmer asked which court and Bob McCarthy replied that all ordinance violations go through the city court.

Bob Worley asked if they ever asked Sheriff John Walsh to have a police officer escort them to these places. Dave replied that they have. Dave Palmer asked if they have a total on the amount of tickets issued last year and money collected. Dave also wanted to know if they knew what the status was on the tickets whether they were paid or unpaid. Grant replied that he had tried to talk to Judge Gallagher about that and was told in not so many words to mind his own business. Grant stated he never went any further with it. Grant believes there is a large amount of money that has not been collected. Dave Palmer commented that should be public record.

Bob McCarthy disagreed with Grant and Dave Hinch on needing additional staff. Bob Worley agreed. Bob Worley asked if they have discussed this problem with Judge Kambich and asked if he has been more amiable. Dave replied that he has and that the Judge is doing a good job.

Chairman Bob Worley then introduced then next guest speaker, Dr. Ed Peretti. Ed Peretti mentioned that he had asked to attend the Study Commission meeting because of a discussion at a rotary meeting in regard to the dog control issue. There were a lot of misplaced facts and thought people need to be better educated on how dog control operates. Ed Peretti mentioned in 1990 he was appointed to the Animal Control Board and due to politics most of the Animal Control Board's recommendations got pushed down to the lower tier. Ed Peretti commented near the election year, nobody wants to touch dog control. Ed Peretti stated that the Animal Control Board got disbanded. Ed Peretti stated they have an excellent dog ordinance that is modeled well but a few things could be amended. Ed Peretti sent a letter to Bob McCarthy with those comments.

Ed Peretti's main focus is enforcement. The issue has always been asked where does animal control belong? In most communities it is in the Law Enforcement Division. For some reason in Butte-Silver Bow it has historically been with Public Works. It stuck with Public Works because Butte-Silver Bow has always been rich in Public Works and that is where all the cases went over the years. There was extra money and vehicles in Public Works to fund the dog control program.

Ed Peretti stated that we do not budget enough for animal control in comparison to most communities. When researched a number of years ago most communities were spending two-three times the amount on animal control issues than Butte-Silver Bow. Ed Peretti stated that they were hugely under funded and does not agree with Dave Hinch. Ed believes it would be better to have 3 to 4 people rotate shifts to allow better coverage. Ed Peretti stated that there was no way to cover the area effectively with only two people. Ed stated that it is a cultural problem and education is the root of the problem.

Ed Peretti commented that people think the animal hospital gets rich from Butte-Silver Bow. Ed Peretti stated that the county has funded them \$8,000.00 for stray animal care and 25% of those dogs are taken off the street after hours. Ed Peretti stated that he and the other doctors he works with are being called in 25% of the time for animals that they have no ties to. Ed Peretti stated that they are the only clinic willing to take animals on a 24 hours, 7 days a week basis. There is a charge for the emergency fee, critical-stabilization and pain. Ed Peretti stated that they will not fix a broken leg in the middle of the night for a dog they don't know because most people do not claim them. He will control the pain, stabilize them and treat shock and that is how that part of the program is handled.

Ed Peretti then discussed the poor enforcement of dog licensing. Ed believes 90% of pet owners do not license their pets. Ed Peretti stated that licensing is there for a reason, one is to track stray animals and the other is to derive income for animal control. Ed Peretti felt that everyone should pay \$5.00 a year to help fund animal control. Ed Peretti commented on the county controlling animal control. Ed Peretti feels that education is the way to bring a change.

Ed Peretti stated that he has never understood why there is not a city or county park designated for dogs. For a society that loves animals and pets and believes that they are a huge part of their family, why can't Butte provide at least one spot for dogs in the community? Ed Peretti continued to state that it teaches responsibility, that it teaches a good way of doing things with animals.

Bob Worley asked if he knew the procedure for licensing pets and what the cost might be. Cindi Shaw replied that it is \$5.00 but if it is not done by December 30th then the charge is \$7.00-\$7.50 annually. Dave Hinch stated that you have to have a rabies license in order to get a license. Ed Peretti asked if you had to have a spay or neuter certificate and that might be considered a way to better control the animal problem. Ed Peretti stated the concept that is being promoted is to let the cities spay and neuter our animals and

wondered when animals become a welfare program for counties? Grant confirmed Ed's statement by giving examples of actual cases. Bob Worley asked if there is a charge now in the spay and neuter clinic to the owner who brings their pets in to have this service done? Ed Peretti stated that there was not and does not feel taxpayers should be paying for spay and neuter expenses with exceptions given to low-income individuals. Ed stated people need to be aware that there is a cost to owning an animal. Ed stated for some reason people have gotten confused that owning an animal is a right and not a privilege.

Cindi Shaw asked if there was need for an Animal Control Board to be established again. Ed Peretti replied yes. Cindi responded that this was something the Study Commission should look into. Ed stated that he met with Paul Babb, Animal Control Department and the Humane Society and discussed a proposal for an Animal Control Board that would oversee the management of the shelter. Cindi commented that she could see an Animal Control Board with all the entities such as the legal entity, control entity and enforcement entity, all representing the board that could address these concerns.

Meg Sharp asked Ed Peretti if the animal control ordinance controls the ownership of exotic pets? Ed Peretti replied that it controls everything. Ed Peretti stated that there are rules and a special permit required that costs around \$300 year to own an exotic pet. The animal ordinance actually describes how the facility should be built for any exotic animal. Ed Peretti stated that it does have to be passed by the zoning board.

Ristene asked Bob McCarthy if Helena has more money to spend on animal control because they enforce their license fees and fines? Bob replied he was not sure how they did it. Bob McCarthy felt they probably charge more for their licensing which is typical. Ed Peretti stated in the 1980's the county tried to shove it down the veterinarian's throat that they would sell licenses for a buck and were not going to pay for the paperwork that needed to be done. Ed Peretti stated that they have discussed offering the licensing at the clinic and that it would be a voluntary decision made by the owner. Ed Peretti stated that they did not want to partake in the enforcement of it.

Cindi Shaw commented that the clinic should have the rabies information on file already that would make it easy for the pet owner to obtain a license for their pet.

Dave Palmer asked John VanDaveer, Director of Public Works, who oversees animal control and asked if he had any suggestions for the board to change anything to make these people's jobs any easier? John replied that he had one comment thinks that right now they are doing the best they can to control the animals but the animals are not the problem, the owners are the problem and that is where the resources need to be focused. John stated that the animals are just the victims and right now we are just in a reactive mode. If something isn't done on the front end with the owners of these animals who have the responsibility to take care of them, we will continue to have the problem and will need more money or people.

Cindi Shaw asked, if someone is violating the Community Decay Ordinance and their name is placed on the front page of the newspaper, could we do the same with dog owners that are just blatantly defying the law or continually offending and not paying fines? Bob McCarthy replied that if someone makes a mistake and puts in the wrong name or person the county could be held liable. Bob McCarthy stated if there was a way to ensure that no mistake would be made then it would be alright to publish that person's name in the newspaper.

John VanDaveer stated that publicizing some things would send a message. John stated that he does not know in the long term if that would have a continued effect it has now. John believes that sustainability and process is the direction they need to go for a long-term change. John thinks that is how they are looking at doing animal control and what makes sense is to move forward with all the suggestions that people have talked about. John stated that is the most important aspect of what he sees.

Grant stated that another issue is there is only two of them and Dave Hinch stated that a guy would be needed in every park. Dave stated that he could give ticket after ticket to people bringing their pets to the parks even when there is a big sign posted no pets allowed. John VanDaveer made a comment that maybe that was a sign that at least those people are being responsible by having their dog on a leash to spend some time with them and to have a place designated so people can continue to be responsible. Bob Worley stated that a dog and cat park would be a good idea especially with the number of parks we have in Butte-Silver Bow. Grant commented to John VanDaveer on the screening of animal control applicants.

Ristene Hall made a comment that she would have a hard time seeing animals allowed in parks and the neighborhoods getting upset if that took effect. Ristene commented that she already has to tip-toe through Clarks Park so she does not step in dog feces. Dave Hinch responded when animals were allowed on the walking track near Black Tail Creek, there were potty containers place around there and every day he would find the bags had disappeared. He discovered it was a man taking them out of the containers and throwing them in the creek because he did not want any dogs on that track. Ed Peretti stated there are parks in Butte that are not used much by the public and that one could more than likely be designated for dogs.

Cindi Shaw requested a copy of the animal ordinance.

Dave Palmer asked what role the Study Commission could have regarding animal control. Bob McCarthy commented that he doubts the Study Commission would have any role and that there is a comprehensive ordinance in place. Bob McCarthy stated that Butte-Silver Bow has more regulation than communities with better enforcement. Bob M. further commented that other communities do not hire teamsters to do animal control due to the wage expense.

Meg Sharp asked Bob McCarthy if both of the current Teamster positions became vacant at the same time, would two teamsters need to be hired? Bob McCarthy stated that it has to be negotiated out.

Bob McCarthy mentioned that a common practice in other communities is having tranquilizing guns that require trained personnel. Bob McCarthy stated that animal control staff carrying tranquilizing guns would be beneficial in the case of dogs that could not be caught or dogs that are dangerous or violent.

Chairman Bob Worley introduced Rick Griffith. Rick started by explaining the layout of the airport, which owns about 1000 acres of land. In addition, the approaches to the runways are protected with an additional 40-50 acres of land used specifically for that purpose. Rick explained the runways and how they are used in accordance with crosswinds.

Rick explained the goals of the airport and the 20-year master plan they use to set their capital budgets to. In 1991, they started out with a 20-year plan and have completed all of the projects within that plan including 3 others. Some of the projects ran over budget, for example there was a runway project that was supposed to cost \$750,000 and ending up costing \$3.5 million dollar and they have to accommodate that in their 20- year plan. The 20-year plan covers air service, financing, and so forth.

Rick discussed the history of the airport. He stated in 1910 they had their first flying machine that was brought in where the old racetrack used to be. In 1927, Butte saw air service such as National Park Airways, which Bert Mooney had owned. Later that became Western Airlines and then Delta. Northwest started in 1933 and ended service in 1982. Charles Lindberg and Amelia Earnhart were a couple of famous icons that had flown into the airport.

There is a section of land at the base of the airport that is 480 acres, which was donated to the city of Butte. The city of Butte owned the airport until 1960 and was called Butte Municipal Airport. At that point in time, the city gave the airport to the county and appointed an advisory board around 1971 and that is also when the name changed to Bert Mooney.

In 1981, Butte-Silver Bow saw a need to operate like a business where people would want to lease part of the airport and negotiate contracts with airlines. Rick commented it was not convenient doing that through a government agency so the value of an airport authority became a prime objective. The community opted for a transitional airport authority where the accounting functions remained with the County. In 1988, the Council of Commissioners authorized a full airport authority, which handled the budgeting, taxes, employment and revenue generated. The airport authority is the fiduciary body that hired Rick Griffith. Rick Griffith hired the rest of the airport staff. The airport authority is created under State Law by the Council of Commissioners. The only way one could get rid of an airport authority is to dissolve or vote to disband oneself. All of the assets would then revert back to the local government. The airport does have bonding authority where they can sell revenue bonds. The airport also has the authority to request the two-mill levy, which they have had since their existence. The board consists of five members, one whom is a commissioner and one alternate member. The airport's annual operation and maintenance budget is one million a year and they will also receive another one million for a taxiway project. They will need to borrow another \$500,000 for the completion of that project.

The airport has received an \$800,000 Research and Development Grant from the Transportation Security Administration. Bert Mooney Airport is one of ten airports selected in the nation to do that project. In addition they have received a \$450,000 Small Community Air Service Grant. They are right in the middle of their new 20-year master plan and will have it completed by December. In addition, most of the revenue to the airport is generated through airline revenue, federal dollars and 2 mills from the local government. Airlines, car rentals, concessions make up a majority of the airport's operation and maintenance revenue.

The Bert Mooney's Airport staff consists of 12 people: (1) Administrative Assistant, (1) Truck Driver, (1) Equipment Operator, (5) Public Safety Officers, (2) Fire and Maintenance employees and (1) Parking Lot Attendant.

Ristene Hall asked who donated the 480 acres of land. Rick Griffith answered that it was John Ryan, President of Anaconda Minerals Company. Ristene Hall asked if the majority of airports are owned by the County or by the City of Butte. Rick Griffith replied that the only city owned airport is Billings. Ristene Hall asked if he spends city and local tax dollars. Rick Griffith replied that roughly \$135,000 is local tax dollars. Rick Griffith stated due to the size of our community, they are not able to get rid of millage.

Tony Bonney asked who makes the appointments to the board. Rick replied the Chief Executive. Dave Palmer asked who else is on the board and Rick replied Shag Miller, Keith Johnson, Bill Evans, Mike Kerns (Commissioner), Tom Brophy and Bill Melvin as alternate. Tony Bonney asked how long the appointments are. Rick Griffith stated that they were five-year appointments.

Bob Worley asked if there is any chance that the airport will give up the two-mills. Rick Griffith replied that before 9/11, they were on track to do that but could not do that now for it would hurt them tremendously. Bob Worley commented that many people were hired to perform security and asked if this has been cut back. Rick Griffith answered that those people work for the federal government and that anybody walking into the airport can see that the security is ten times better. Rick Griffith commented that the whole atmosphere of what happens on a airplane has changed and nobody will ever be able to take control of an aircraft again. Rick Griffith stated that the security staff does a great job and the technological devices used are more advanced. Rick Griffith stated that security will never be perfect.

Dave Palmer asked who sets the rates out of Butte. Rick Griffith responded that Delta and Horizon set them. Rick Griffith stated that their flights were up 33% and have been able to take advantage of real line fares. People can say what they want about service but they go where the cheapest price is 99% of the time. People don't realize that if they continue to drive to Bozeman or else where to save \$20.00-\$30.00 dollars, Butte will not have an airport. If Rick Griffith sees a fare that is out of line he will call the airline to see if they will change it. With the exception of matching United, Delta has been good about changing

their fare. They are looking at three different options in the Small Community Air Service Grant. Prior to 911, they were on course to getting a United Express in Butte. They are part of Skywest, who they already have a relationship with. The other thing that hurt was losing 1200 employees from Touch America and Montana Power.

Bob Worley asked if there was anything the Study Commission could do to make things better for the airport. Rick Griffith replied that the thing we need to do as a community is understand the importance of the airport.

Rick Griffith commented that Butte is fortunate to have the air service we have. What needs to be done with the Small Community Air Service Grant is stabilize the air service and grow it with United Express or a Northwest connection between Helena and Butte to Minneapolis and also a direct flight to Las Vegas.

Dave Palmer asked in regard to the \$800,000 grant, does he ever have drills? Rick responded that they do table top exercises that are coordinated with Wilma Puich.

Rick Griffith discussed other security issues such as the carrying of weapons and bomb threats.

Bob Worley asked if they are running out of uses for federal grants? Rick replied no and that through the use of grants they have been able to extend the life of pavement on the runways and have also improved the maintenance. Rick stated that he currently receives 95% from the federal government and they have to put in the other 5%. That is matched with the passenger facility charge and a 90% match is done on the terminal.

Bob Worley asked about future development and Rick stated that a golf course or commercial buildings would probably be developed in the green areas shown on the diagram.

Bob Worley asked if there were any other questions and introduced the next guest speaker Lori Casey with the State Department of Revenue. Lori discussed the history of the Elected Assessor position and its relationship with the Department of Revenue.

Prior to 1973, it was the local County Assessor's job to assess property and apply the taxes. In 1972, a change was made in the constitution, which transferred those duties to the Department of Revenue. In 1973, the legislature codified the laws of how that would transpire. Between 1973 and 1993, the local Assessor and Department of Revenue worked together to accomplish that task. The Assessor worked under the direction of the Department of Revenue. In 1993, the legislature, through the restructuring of laws, removed the local County Assessor performing those tasks (assessment of property and taxes) and transferred that responsibility to the Department of Revenue.

In 1993, House Bill 50 provided an option for the County Assessor to become state employees. In 1993, with the elected Assessors that chose to remain elected, the Department of Revenue entered into a contract to share Department Revenue duties with the elected Assessor. A new contract has been signed with Dan Fisher as the Assessor to carry out those duties.

Lori Casey highlighted topics from the handout. One topic discussed was the general supervision of property tax assessment and taxes to the Department of Revenue. The collections were the responsibility of the County Treasurer and the elected Assessor had been removed from those responsibilities.

Lori Casey discussed property tax records and the information needed on them in order to value the property. Information included the name of the person to whom the property is assessed, legal description, assessed value of improvements and so forth. Real and personal property are covered under those statutes. In the agreement with Dan Fisher and the County, the Department of Revenue pays for half his salary and benefits which amount to approximately \$27,000, the County pays the other half.

Lori Casey then spoke about Statute 15-6-138, regarding Class Eight property. This statute is temporary due to Senate Bill 48 being passed. They have increased the amount of personal property that is exempt.

Cindi Shaw asked if it included business property or if it is strictly personal or residential property. Lori Casey stated that residential properties do not pay personal property tax but businesses do.

Dave Palmer asked if the revenue was expected to increase or decrease. Lori Casey responded that it would decrease because more people will fall under the exemption rate. The legislature's plan was that more businesses would come into Montana to help the economy. Dave Palmer asked if they studied how it was going to affect individual counties using the existing schedules from last year. Lori Casey replied they have a Tax Research Policy.

Lori Casey discussed subject matter regarding the contract that is currently in place with Dan Fisher. Lori stated that there are two computer systems they utilize. On the state's computer system, they do the actual evaluation of property and on the county computer system it calculates the fees, tax bills and the mill levy. Lori stated that through the laws, if they did not have that contract with Dan Fisher, he would not be able to maintain the tax record. Lori Casey stated that the Department of Revenue has also ventured into an agreement with the Land Office. Lori Casey stated that when they look at identifying property that falls under all of her staff within the Department of Revenue along with Dan Fisher, Appraisers, the Building Department and their building permits.

Dave Palmer asked how closely they work with the Building Department and asked if Department of Revenue checks the building permits that are taken out on a daily basis and reappraise the property every so many years or immediately after a building permit is taken out? Lori replied that they receive the building permits on a monthly basis. The Department of Revenue reviews those properties that have a building permit usually between the months of December and April through May. Lori Casey mentioned the general assessment date of January 1st each year.

Lori Casey stated that we are on a market evaluation so if you are adding something to your property it will generally increase the market value when you sell it. That is why the valuation will increase and it is up to the mill levies on how much taxes increase. Bob Worley responded by asking when people improve their properties they end up taxing themselves more. Lori Casey commented with the exemption rates it is hard to predict how much of a tax increase there will be. This is because the legislatures have come through and each year they decrease the tax percentage. They also increase on the residential side and currently exempt 31% of that value before taxes are applied.

Dave Palmer asked if the state looks at the property next door and do they devalue your property because of the neighboring property? Lori Casey stated that they look at the sales of the as a whole area and just like anywhere, when you're looking at market value, location is key to different areas. Bob Worley asked how many people work in her department. Lori Casey replied six that are directly under her supervision and also has one GIS Cartographer who is under a different supervisor.

Bob Worley asked if GIS Cartographer works for the state? Lori Casey replied yes. Bob Worley asked if they lease or rent property in the courthouse from Butte-Silver Bow. Lori Casey replied that they do and have a lease agreement where they pay a certain amount for the office.

Cindi Shaw asked if there is a set time that properties are routinely assessed? Lori Casey replied that they had completed a reappraisal in January of 2002 and the next one will be completed in 2009. Cindi Shaw asked if they take aerial views to evaluate changes or is it strictly through building permits. Lori Casey replied that they are getting the capability to use more aeriels. Cindi Shaw asked if there was an appeal process for somebody that felt his or her taxes not to be accurate. Lori Casey stated that there is and it requires several steps to the process an appeal. You have 30 days every year within the period specified to

file an AB 26 Request for review, which is an informal review where the appraiser would contact you to look at your property and make adjustments if necessary. If you are still unsatisfied with the value, you can go to the County Tax Appeal Board, an independent board that is appointed by the Chief Executive and present your case. From that point, you have 60 days to file with the State Tax Appeal Board if you are still not happy with the remedy.

Dave Palmer asked when you gave the option for County Assessors to become state employees, and few opted to stay elected, does Dan Fisher have the option to become a state employee? Dave Palmer also asked how that works with our charter. Bob McCarthy replied that the 1986 and 1996 Study Commissions have recommended the elimination of the office of Assessor. Bob McCarthy stated that is a charter office and office that cannot be eliminated as an elected office without a change in the charter. Lori stated that when they did the law changes in 1993 they allowed a specific time frame for elected Assessors to become state employees. If Dan Fisher chose to become a state employee, he would have to go through the hiring process versus the elected Assessors who had the option to come in without applying. Bob Worley commented that he understands there are three assessors in the State of Montana? Lori Casey named Butte-Silver Bow, Granite County and Park County. In other counties, the Department of Revenue has assumed those functions and works directly with the County Treasurer to get the tax bills out.

Lori Casey stated there is balancing done between the two systems to make sure all the values transferred over. They double check tax bills to make sure they are calculated accurately and that they have the right to charge a fee on them. They work in conjunction with the Treasurer.

Bob Worley asked if there is any advantage to the state having total control over the Assessor's office or is it more advantageous for each County to have its own assistant. Lori Casey commented that she was not sure if there is an advantage one-way or the other. The ultimate responsibility lies with the Department of Revenue. If there was not a contract in place they would have to hire somebody or transfer those duties to another employee to get the work done.

Cindi Shaw asked if there is an advantage of having a County Assessor over having the Department of Revenue take over the total responsibilities. Bob McCarthy stated that is not a legal question, it's a policy question. Lori Casey also responded by saying when Cindi Shaw mentioned control, Lori did not know if there was control in regard to a local Assessor because any changes that Dan Fisher makes, the Department of Revenue has quality control to look over the changes.

Meg Sharp commented if he became a state employee his entire salary would be paid by the state.

Tony Bonney asked about the default option and if they had problems with Dan's performance could the Department of Revenue end the contract and what would happen then. Lori Casey replied that the Department of Revenue would assume the responsibilities and they would transfer them to an employee or hire someone. Tony asked if the Department of Revenue cancelled the contract, would Butte-Silver Bow be liable for the entire amount. Lori Casey replied that it would. Tony asked if they have ever had to do that and Lori Casey replied no.

Bob Worley asked about the different ways of taxing personal property and asked if it was in the state's thoughts to tax people out of their properties. Lori Casey replied that almost every legislative session they consider that and do take into consideration an acquisition cost. In California, they had done the same thing through Proposition Thirteen and what they are finding is that although their property taxes are lower, their fees have risen significantly. They have not found it to be a very good source and are trying to find other funding. The legislatures in Montana have looked at California and that is where they came up with the formula of facing in the values so that the Department of Revenue is not looking at a reappraisal value on an immediate basis. That is also why they enacted the Homestead and Commercial exemptions and started to lower the tax rate. They have tried to keep the property taxes neutral. The other equation to consider is they don't control the mill levies.

Bob Worley asked if there were additional questions and introduced Rob Macioroski, Director of Land Records for Butte-Silver Bow. Rob started by explaining how the Land Records Office was established, which came as result of the Study Commission in 1994. Before the Land Records Office, the information and resources for land were located in the Budget Office, Clerk and Recorders Office, Treasurer's Office, Metro Maintenance Office and the Department of Revenue's Appraisal Assessment Office. At that time, it was looked to combine all the services into a single point of contact.

Rob mentioned that all he has is a half-time clerical position that is shared with the Clerk and Recorders Office. The Resources position, previously held by Tom Burns in the Budget Office, was turned over to the Land Record's Office and is now filled by Pat Reardon. The Treasurer's Office had a Delinquent Tax Clerk position held by Pat Callahan that has never been filled or put into the Land Record's Office

Rob Macioroski commented that because of the duties that need to be performed, his office is being overwhelmed and does the work of four offices. He has to know Assessment Law, Treasurer's Law, Clerk and Recorder's Laws (on recording requirements) and Surveying Laws.

Rob Macioroski discussed how the land records modernization has not been able to take place. Rob's office is still using an antiquated microfilm parole and card system.

Bob Worley asked Rob Macioroski if he worked closely with Bob Farren and if it is his responsibility to get the tax bill information to him. Rob Macioroski replied that Bob Farren works very closely with Rob Macioroski's Administrator. Bob Worley asked if there was some way through the MIS system that things could be done more efficiently. Rob Macioroski stated no, not on that end. Rob Macioroski stated that because he does not have a lot of control over people's schedules in his office, when they are not in the office and a taxpayer comes in with a legitimate question, nobody is around to answer that question. Bob Worley asked if he answers to Mary McMahon and Rob replied that he is currently placed under the Clerk and Recorder. Bob Worley asked if there was a need to create a separate office for Land Records. Rob Macioroski replied that he had spoke with Jim Michelotti and Bill O'Leary and they both told him it was not intended to have the Land Records Office placed under the Clerk Recorder.

Rob Macioroski questioned why he is not included with part of the Chief Executive's staff when it comes to making decisions on property.

Shag Miller asked if that would be a separate department or included in the Chief Executive's staff. Rob Macioroski stated it should be a separate office. Bob Worley asked how many people would be needed to run the Land Record's office. Rob stated that he needs the Delinquent Tax Clerk position.

Bob Worley asked if the Delinquent Tax Clerk is now under the Treasurer's office. Rob Macioroski replied that it is but has never been filled. Rob Macioroski commented on the Land Sale Committee, which tried to sell properties on a tax sale. The owners were not known by anyone and properties were sold to them at a bargain price. Those buyers would go in and strip them out or just let them sit with expectations of gaining a profit. The buildings would eventually end up back with the county in worse shape. A change that has recently been made is to raise the property's purchase price to the assessed value and have it go to the highest bidder. If nobody bids on it then the county has some control on how the building is utilized or disposed of.

Rob Macioroski stated that it takes four years to take property on tax delinquency and believed Butte-Silver Bow was waiting too long which caused the houses to go in disrepair. Rob mentioned having something placed in the contract where the buyer would have to maintain the property.

Rob Macioroski stated that his job requires a lot of expertise and it would take a lot of time to train someone to do his position.

Bob Worley asked if Rob Macioroski became a Department Head, would the land records modernization be an easier task for him to accomplish. Rob Macioroski replied that it would and stated it would save money in the long run due to the efficiencies that would come from each department utilizing it. Currently a document has to be microfilmed and there is a mailing cost associated with that.

Cindi Shaw commented on the efficiencies that could be made due to the reorganization of the office and updated technology.

Rob Macioroski stated that he understands other departments are short staffed but he feels like the little man who is being overlooked. Rob Macioroski commented that he has pretty much established his office to the point of where it is now with little resources.

Bob Worley asked if they did reorganize the Land Record Office, what positions would be placed in that department? Bob asked if he would have staff that is currently employed by Butte-Silver Bow. Rob Macioroski replied yes with the exception of the Delinquent Tax Clerk. Bob Worley asked if this would be a money saving option providing more efficiency and Rob Macioroski replied yes.

Rob Macioroski mentioned that many of the duties he performs are in the contract with Dan Fisher. Rob stated that he has inherited many duties from the Assessment Office and Treasurer's Office and has taken a lot of duties away from both departments. Bob Worley commented that what Rob was really trying to do was make things more efficient.

Meg Sharp asked about when she purchased her home and never received a deed. Rob Macioroski stated that she should have had the original deed sent to her, if not, it should be at the Title Company.

Bob McCarthy commented how Butte-Silver Bow had the worst property records in the State of Montana at one time. Bob stated it was almost as if Butte had missed the 20th century. Butte-Silver Bow records currently are in good standing with the work that Rob Macioroski has done. Bob McCarthy commented on the importance of updating the technology and the advantages of purchasing a scanner. Bob McCarthy stated that we have a Land Records System and we need to have a Land Records department.

Dave Palmer asked Bob McCarthy if it would have to be a recommendation of the Study Commission to make it a department? Bob McCarthy replied that they would want to specify that the land records changed from a system to a department. Cindi Shaw stated that it should be specified that it is a department and not in name only. It would need to have people functioning in certain areas and that would need to be spelled out.

Rob Macioroski discussed how everything at one time was maintained by hand and how there was only one map because they did not have the technology to make copies. Rob Macioroski discussed how far the department has come along and how automation of land records has been a major step. Rob Macioroski commented on how Butte-Silver Bow is the most difficult area in the state to do ownership mapping simply because of all the mining and railroads.

Meg Sharp asked how much the scanning system would cost. Rob Macioroski replied that they have an idea and stated if Powell County could do it so could Butte. Rob Macioroski replied that he could get back to Meg Sharp with an approximate estimate. Bob Worley asked if the scanner could be used by people in other departments. Rob Macioroski replied everybody could use it including private individuals. Rob Macioroski discussed the GIS mapping and how Butte-Silver Bow has never been mapped entirely by ownership. This was a major milestone made in 2001 from his department. They now have the ability to query all Butte-Silver Bow properties. Rob Macioroski discussed properties that were taken on tax deed and how these houses can be found before vandals get in and make a ruin out of them. This benefits Butte-Silver Bow because it can get more money for a house that has not been vandalized.

Rob Macioroski discussed how the GIS mapping information is online and this has eliminated many of the over the counter questions that people can now find on their own. Rob Macioroski also has a tax inquiry terminal that is hooked into Lori Case's website. Rob stressed how digital information enables departments to run more efficiently and how important it would be to move forward with the modernization of land records.

Bob Worley asked if personal property, such as a home, is delinquent after 3 or 4 years. Rob replied that the process is taking four years. Bob McCarthy stated that three years is the maximum and the law mandates that it does not go past 36 months. Bob McCarthy explained why it was taking four years to take possession of tax delinquent property. Bob McCarthy continued to explain the tax process and tax certificate in further detail.

Bob Worley asked if there were any other questions. Rob Macioroski invited everyone to stop in his office to get a better understanding of the advancements that have been made in land records.

Dave Palmer asked amusingly if Rob Macioroski could show the animal warden where the dogs are around Butte-Silver Bow. Rob Macioroski stated the dogs all wore a GPS system then he could or if the dog sat in one spot of your yard too long then he could also find it that way. Bob Worley thanked him for coming.

Bob Worley asked Dan Fisher if he had anything he wanted to discuss. Dan just commented that everyone should stop by Rob Macioroski's office to see what he has done.

Bob Worley asked if Dave had anything regarding the survey. Dave mentioned scheduling their first public hearing and felt the survey would be a good thing to comment on at the public hearing. Bob Worley stated the phone conference scheduled for May 23, 2005 will be confirmed with Ken Weaver before May 19, 2005. Bob mentioned having the public hearing around June 2, 2005.

Bob discussed the guest speakers: J.R. Richardson, Budget Director; John Uggetti, Superintendent of School; Pat Burt and Dick Tamblyn with Newland and Company and D.J. O'Neill, past commission member for the next meeting on May 19th.

Dave Palmer asked Bob McCarthy if he would like to make a presentation. Bob McCarthy replied that he didn't care and that he has made them before. Bob McCarthy then commented that it is a waste of the Study Commission's time to have elected officials come to the meeting and telling what it is they do. Bob McCarthy gave a brief presentation and discussed who he represents in the community. Bob McCarthy discussed his involvement with the Department of Health and Superfund since 1989. Bob McCarthy stated his office was a sweatshop and that no other office in the courthouse works as hard as the County Attorney's Office. Bob McCarthy explained the criminal and prosecution cases they handle. Bob McCarthy explained how they are running a municipal, prosecutor and county office. Bob McCarthy stated again that he felt it would be a waste of the Study Commission's time to listen to all of this.

Tony Bonney asked Bob McCarthy if that is why his office is the most closed office to the public. Bob McCarthy stated the reason for this is criminal justice information is made confidential by law and the other is security. Tony Bonney clarified that he was referring to voice mail. Bob McCarthy stated that his staff is too busy to answer the phone all the time. Bob McCarthy stated that e-mail has been a great help. Bob McCarthy mentioned the increase in criminal cases due to related drug problems and Meth. Tony Bonney commented that he would hate to interrupt Bob McCarthy. Bob McCarthy responded by stating he felt insulted. Bob McCarthy stated this is the third time he has attended the Study Commission meetings and has been asked questions that he has took to be insulting. Bob McCarthy had asked Tony Bonney what he was doing at the Study Commission and that he is supposed to be working. Tony Bonney responded that he had permission to be there from his ultimate boss.

Shag Miller commented to Bob McCarthy that he felt the Study Commission is not a waste of time. Shag Miller stated that he knows a lot about government from his years as a newsperson. Shag stated by attending the Study Commission he found the depth of discovery and found out the quality of people that are working in the community. Shag stated that the Study Commission meetings have allowed him to formulate adjustments based on guest speaker interviews.

Bob McCarthy gave an overview of how city and county government in Montana was developed. Bob McCarthy also explained the advantages and complications of appointing officials versus electing officials. Bob McCarthy discussed how the Law Enforcement Department is so under manned that it is dangerous.

Dave Palmer asked Bob McCarthy if he has seen a copy of the latest survey, which covers a lot of topics Bob McCarthy has mentioned.

Bob McCarthy mentioned that people may have a misunderstanding, that by electing people, the public has greater control, which is just the opposite. The public would have less control.

Bob McCarthy commented on Anaconda and how they ended up where they are financially. Bob McCarthy stated that it was not due to incompetent people, it was because they had a job nobody could fulfill. They had too much work to do.

Bob McCarthy discussed how other communities in Montana operate and suggested Bob Worley investigate into this further. Bob Worley thanked Bob McCarthy for attending and discussed the date for the next meeting.

Date for Next Meeting: May 19, 2005

Adjourn: Chairman Worley entertained a motion to adjourn. Shag Miller motioned to adjourn and Cindi Shaw seconded the motion. The meeting adjourned at approximately 9:30 p.m.